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State of Utah

DEPARTMENT OF NATURAL RESOURCES

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Outgoing
C0150009
#3858
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July 28, 2011

Kenneth S. Fleck
Energy West Mining Company
P. O Box 310
Huntington, Utah 84528

Subject: Permit Area Modification, Task ID #3858, Energy West Mining Company, Trail Mountain Mine, C/015/0009, Outgoing File

Dear Mr. Fleck:

The Division has reviewed your application to modify the permit area for the Trail Mountain Mine.

The Division has determined that there are some deficiencies that must be addressed before a determination can be made that the requirements of the R645 Coal Mining Rules have been met, and an approval can be granted. Those deficiencies are listed as an attachment to this letter.

Each deficiency identifies its author by that author's initials in parentheses; such that your staff can directly communicate with that individual should any questions arise relative to the preparation of Energy West Company's response to that particular deficiency.

The plans as submitted are denied. Please resubmit the entire application.

Sincerely,

Daron R. Haddock
Coal Program Manager

DRH/sqs
Attachment
cc: Price Field Office
O:\015009.TMT\WG3858\WG3858Deficiencies.doc



Deficiency List
Task No. 3858
Trail Mountain, Permit Area Modification

The members of the review team include the following individuals:

Priscilla Burton [PB]
Pete Hess [PHH]
April Abate [AA]
Joe Helfrich [JCH]

Summary of Deficiencies:

R645-301-112, the “supplemental volume” referred to in chapter 2 of the application needs to be updated to include current ownership and control information. The application needs to also include a revised legal description of the permit area boundary.

[JCH]

R645-300-121.120, the application needs to include a legal description of the revised permit area boundary.

[JCH]

R645-301-120, Chapter 3 of the application is titled “Engineering” and it has its own numbering system. However sections 3.4 “Environmental Protection” and 3.5 “Reclamation Plan” contain information that is not germane to the engineering section. The application needs to be reformatted in accordance with the R645 regulations. [JCH]

R645-301-121.100, After grading, soils will be sampled and analyzed as described in App 9-1, Attach. C. Samples will be analyzed for suitability parameters described in the Utah Guidelines for Topsoil and Overburden. An outdated reference is used in Chap 3, p. 58 which should be updated to read “Table 3 of the 2008 Division Overburden and Soil Handling Guidelines.” [PWB]

And there should be one addition to the reclamation plan:

R645-301-121.100 and R645-301-244.200, In the years since the Trail Mountain reclamation plan was written (1980’s), the Division has observed that the incorporation of 1T/ac straw into the surface soil with roughening to a superior technique that should be added to the reclamation plan. [PWB]

R645-301-140, the adjacent areas for all maps should be determined by the Division in consultation with the permittee as adjacent areas are not always simply a line or polygon and are defined more by what they may impact whether it is a Golden Eagle or regional aquifer. Plate 7-2 or TMS1450C, Plate 7-4 or TMS1456C, Water rights, Plate 4-2 or TMS 1458C land use, Plate 6-3 or TMS 1681D Hiawatha Seam Structural Contour, Plate 6-4 or TMS 1682D Hiawatha Seam Overburden Isopack, Plate 6-5 or TMS 1683D Hiawatha Coal Seam Isopack, need to be revised

to show the current permit area on the map and in the legend. Coal Ownership, Surface Ownership, Plate 3-4 or TMS 1680C Adjacent Area. [JCH]

R645-301-140, The boundary proposed by the Permittee defining the “potential hydrologic impact area” is not consistent with the boundary defined in the Cottonwood Creek CHIA report prepared for the Trail Mountain Mine and is not consistent with some of the information presented in the PHC. The operator in consultation with the Division should revise the “potential hydrologic impact area” in Section 7.2.3.2 of the MRP to better define the reasoning behind the boundary of the “potential hydrologic impact area”. [AAA]

R645-301-140, The operator has attempted to draw a “**potential hydrologic impact area**”, which is meant to represent the area expected to have hydrologic impacts from the mine if any were to occur. The adjacent area marked in red does not represent the hydrologic impact area and should be removed from these maps. The operator in consultation with the Division, should revise the “potential hydrologic impact area” boundary on Plates 7-1, 7-2, 7-3, 7-4, 7-6, and 7-9. [AAA]

R645-301-320, Chapter nine section 9.4 should also include “permit” as well as adjacent area. [JCH]

R645-301-322, Chapter ten page iii, the applicant needs to explain why the list of appendices has been deleted from the application. [JCH]

R645-301-521, et al, the Permittee must rectify the discrepancy (3 acres) between the acreage reported as being relinquished back to the Federal government in Task ID # 3858, Section 3.3.7 Mine Plan Area, page 35 and the acreage reported as being relinquished in the cover letter describing the Task ID # 3858 Amendment to Modify the Permit Area [PHH]

R645-301-830.140 Detailed Estimated Cost Sheets

“be based on...the detailed estimated cost, with supporting calculations for the estimates, submitted by the permit applicant”.

The Permittee must submit the correct supporting calculations for the currently posted bond amount, which is \$ 1,354,000. [PHH]